

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 8191

UNITED STATES OF AMERICA,

Plaintiff,

v.

Francisco Javier G. DURAN-Velarde,

Defendant.


Magistrate Case No.:

COMPLAINT FOR VIOLATION OF
21 U.S.C. § 952 and 960
Importation of a Controlled Substance
(Felony)


The undersigned complainant being duly sworn states:

That on or about March 2, 2008, within the Southern District of California, defendants Francisco Javier G. DURAN-Velarde did knowingly and intentionally import approximately 75.20 kilograms (165.44 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.


Sara Galvan, Special Agent
U.S. Immigration and
Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE THIS 3rd
DAY OF MARCH 2008.


PETER C. LEWIS
U.S. MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 v.

3 Francisco Javier G DURAN-Velarde

4 STATEMENT OF FACTS

5 This Statement of Facts is based on the reports, documents, and notes furnished to United
6 States Immigration and Customs Enforcement Special Agent Sara Galvan.

7 On March 2, 2008, at approximately 0815 hours, Francisco Javier G DURAN-Velarde
8 and Ernestina OCHOA-Avila entered the United States from Mexico at the Calexico, CA West
9 Port of Entry. DURAN was the driver and registered owner of a 2000 Mazda MPV with Baja
10 California license plate BDR1696.

11 Customs and Border Protection Officer (CBPO) C. Morse was assigned primary
12 inspectional duties at the Calexico West Port of Entry. As DURAN approached the primary
13 booth, CBPO Morse received a negative Customs declaration. CBPO Morse asked DURAN
14 where he was going and he stated he was going to the "Santo Tomas" swap meet. CBPO Morse
15 referred DURAN, OCHOA, and the vehicle to secondary for a more intensive inspection.
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17 While in secondary, CBPO A. Zuniga received a negative Customs declaration from
18 DURAN. CBPO Zuniga asked DURAN where he was going and stated he was going to the
19 "Santo Tomas" swap meet. CBPO Zuniga asked DURAN if the vehicle belonged to him and
20 responded it did. CBPO Zuniga requested Canine Enforcement Officer (CEO) Alba to screen the
21 vehicle with his Human Narcotic Detector Dog (HNDD) resulting in a positive alert. CBPO
22 Zuniga conducted a more through search of the vehicle, which revealed several packages in the
23 right side rear quarter panel and the dashboard area which contained a specially built
24 compartment. The packages were wrapped in clear cellophane plastic, aluminum foil, blue
25 detergent soap, and brown postal tape. CBPO Zuniga extracted a total of seventy (70) packages
26 from both compartments. CBPO Zuniga randomly probed a package that produced a green leafy
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1 substance that tested positive for marijuana. The total weight of the packages was 75.20
2 kilograms (165.44 pounds) of marijuana.

3 DUREN was placed under arrest and advised of his rights per Miranda, which he
4 acknowledged and waived, agreeing to answer questions without the presence of an attorney.
5 DUREN stated he knew of the presence of marijuana and if successful in his smuggling venture
6 would receive \$1,500.00.
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